

ATTORNEY DOCKET NO. 1703-018.US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants** : Danny E. Afar et al.  
**Serial No** : 09/389,000  
**Filed** : August 31, 1999  
**For** : PHELIX: A TESTIS-SPECIFIC PROTEIN EXPRESSED IN CANCER

#3

February 23, 2000

Assistant Commissioner for Patents  
Box Missing Parts  
Washington, D.C. 20231

SIR:

**TRANSMITTAL LETTER**

Please find the following enclosed for filing in connection with the above-referenced application:

1. Response to Notice to File Missing Parts and petition for extension of time under 37 CFR 1.136(a); Inventors' combined Declaration and Power of Attorney; payment of the required fees; copy of the Notice.
2. Submission of paper and computer readable copies of a Sequence Listing together with Declaration Pursuant to 37 CFR 1.821(f) in compliance with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures.
3. Preliminary Amendment.
4. Return Postcard.

Respectfully submitted,

Kenneth K. Sharples  
Registration No. 35,355  
Attorney for Applicants  
Law Office of Kenneth K. Sharples  
80 Fourth Street, Suite 202, P.O. Box 277  
Point Reyes Station, California 94956  
415/663-0323

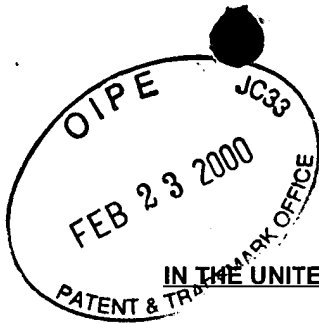
**EXPRESS MAIL CERTIFICATION UNDER 37 C.F.R. 1.10**

**"Express Mail" Label No:** EJ582403461US

**Date of Deposit:** February 23, 2000

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

By: **KK SHARPLES**



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February 23, 2000

Assistant Commissioner for Patents  
Box Missing Parts  
Washington, D.C. 20231

SIR:

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER  
37 C.F.R. 1.53 (d) AND PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.36(a)**

This communication is submitted in response to a Notice to File Missing Parts of Application under 37 C.F.R. §1.53 (d) issued in connection with the above-identified application on September 24, 1999. Applicants hereby request a three-month extension of time under 27 CFR 1.36(a) in order to enlarge the time for response to and including February 24, 2000 and herewith make payment of the \$435 small entity fee therefor. Accordingly, this response is being timely filed.

Applicants hereby submit their Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53 (d) and in compliance with 37 C.F.R. §1.63. The Declaration refers to the application's above-identified serial number and filing date. Payment of the surcharge of \$65 for responding to the Notice to File Missing Parts of Application under 37 C.F.R. §1.53 (d) for a small entity is also made herewith.

A check in the amount of \$500 to cover the total required fees is enclosed herewith. No other fee is deemed necessary in connection with the filing of this Communication. A copy of the Notice to File Missing Parts is also enclosed herewith.

Respectfully submitted,

Kenneth K. Sharples  
Registration No. 35,355

02/28/2000 NPRASASO 00000102 09389000

02 FC:217

435.00 OP

Attorneys for Applicants  
Law Office of Kenneth K. Sharples  
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Point Reyes Station, California 91103  
415/663-0323

FEB 23 2000

UNITED STATES DEPARTMENT OF COMMERCE  
 Patent and Trademark Office  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

APPLICATION NUMBER	TRADEMARK RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/389,000 08/31/99 AFAR

D 1703-018.US1

0242/0924

LAW OFFICE KENNETH K SHARPLES  
 80 FOURTH STREET  
 P O BOX 277  
 POINT REYES STATION CA 94956

NOT ASSIGNED

1643

DATE MAILED:

09/24/99

### NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☒ small entity (statement filed) ☐ non-small entity is \$ 65.00.

- ☐ 1. The statutory basic filing fee is:  
☐ missing.  
☐ insufficient.

☒ Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.  
 \$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.  
 \$ \_\_\_\_\_ for \_\_\_\_\_ dependent claims over 20.  
 \$ \_\_\_\_\_ for multiple dependent claim surcharge.  
 Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☒ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).  
☐ 7. Your filing receipt was mailed in error because your check was returned without payment.  
☐ 8. The application does not comply with the Sequence Rules.  
 See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."  
☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

D. Bell  
 Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE